



AGENDA

Meeting Location:

Sloat Room—Atrium Building
99 W. 10th Avenue
Eugene, OR 97401

Phone: 541-682-5481
www.eugene-or.gov/pc

The Eugene Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours notice. To arrange for these services, contact the Planning Division at 541-682-5675.

MONDAY, APRIL 22, 2013 – REGULAR MEETING (11:30 a.m. to 1:30 p.m.)

11:30 a.m. I. PUBLIC COMMENT

The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, **except for items scheduled for public hearing or public hearing items for which the record has already closed.** Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.

11:40 a.m. II. DOWNTOWN/MIXED USE CODE AMENDMENTS

Staff: Alissa Hansen, 541-682-5508

12:25 p.m. III. EQUITY AND OPPORTUNITY ASSESSMENT

Staff: Stephanie Jennings, 541-682-5529

Staff: Terri Harding, 541-682-5635

12:55 p.m. IV. ITEMS FROM COMMISSION AND STAFF

- A. Other Items from Staff
- B. Other Items from Commission
- C. Learning: How are we doing?

Commissioners: Steven Baker; Jonathan Belcher; Rick Duncan; Randy Hledik, Chair; John Jaworski; Jeffery Mills; William Randall, Vice Chair

AGENDA ITEM SUMMARY
April 22, 2013

To: Eugene Planning Commission

From: Alissa Hansen, City of Eugene Planning Division

Subject: Envision Eugene Implementation: Downtown /Mixed Use Code Amendments

ACTION REQUESTED

This work session provides the Planning Commission with an update and opportunity to provide feedback on proposed land use code language related to facilitating downtown and mixed use development, in advance of the May 7, 2013 public hearing.

BRIEFING STATEMENT

As part of Envision Eugene, the City Council initiated code amendments to facilitate desired mixed use development for downtown, along transit corridors and in commercial areas. Consistent with several strategies in the Envision Eugene proposal, the purpose of these amendments is to facilitate compact urban development in the downtown, on key transit corridors, and in core commercial areas by changing land use regulations to better align with Envision Eugene strategies. These amendments are also necessary as part of the city's strategy to accommodate the city's 20 year need for commercial and multi-family housing inside the current urban growth boundary (UGB). Specifically, these amendments are part of a package of land use efficiency strategies the city is relying on to accommodate approximately 400 commercial jobs and 1,600 multi-family homes inside the UGB by increasing the likelihood of redevelopment in the downtown, along transit corridors and in core commercial areas.

Based on input from a variety of sources, including the Envision Eugene public process, previous downtown code amendments processes, minor code amendment process, community stakeholders, and staff experience, this package of code amendments addresses eight topics related to downtown and mixed use development. The draft code language, along with background information, is provided as Attachment A. The eight topic areas include:

- 1. *Housing in Commercial Zones:*** This amendment would allow for housing on the ground floor in the C-2 Community Commercial zone citywide, where currently it is only allowed if a certain percentage of the ground floor of the building is in commercial or non-residential use. The amendment would also allow for one or two apartment units (aka non "multi-family") in the C-3 Major Commercial zone in a building with commercial use on the ground floor, but not allow traditional detached single-family dwelling or duplexes.
- 2. *Surface Parking Limitation in C-3 Zone:*** This amendment would apply to parking lots that are not associated with a specific use, and would allow up to 20 additional surface parking spaces (beyond the 20 currently allowed before structured parking is required) for sites where all

vehicle access is via an alley. Additionally, it would remove the prohibition on stand-alone surface parking lots by eliminating the requirement that there be a certain amount of building floor area on site for each parking space.

3. **Large Commercial Facilities Standards in Downtown:** This amendment would apply to new buildings within downtown that are over 25,000 square feet in floor area, and would exempt them from certain large commercial facilities standards, which for the most part, require designs intended for a suburban, car oriented context. Requirements for providing building articulation, ground floor windows and other relevant standards would be retained.
4. **Commercial Landscaping Standards:** This amendment would remove the minimum landscape area requirement for C-2 zoned properties in downtown, which is more geared for suburban scale developments (C-3 zoned properties are already exempt), and reduce the required width for front yard landscape beds.
5. **Nodal Development (/ND) Overlay Zone:** This amendment would add flexibility to the overlay zone citywide by allowing for all properties to seek adjustments to the development standards, and by adding relevant adjustment review criteria. Other clarifications are proposed regarding the applicability of the standards.
6. **Transit Oriented Development (/TD) Overlay Zone:** This amendment would mirror two of the changes proposed for the /ND overlay zone, and is intended to provide clarity and better align the adjustment review criteria with the intent of the zone and development standards.
7. **Transportation Impact Analysis within Downtown Parking Exempt Area:** This amendment would apply within the Downtown parking exempt area (where projects are exempt from providing on-site parking) and would eliminate the requirement for a transportation impact analysis for projects within this area. Includes concurrent amendment to the level of service policies in the Metro Plan and TransPlan to reduce the allowed level of service in this area.
8. **General Commercial Standards (housekeeping):** Although this amendment would not result in any substantive changes that would facilitate development, it does help with administration and implementation of the general commercial development standards, and involves re-organization of the general commercial standards.

Prior to drafting the attached code language, a city staff team reviewed input received through a variety of sources (noted above), and drafted code concepts addressing five topic areas. Community stakeholders with experience and expertise in downtown and mixed use development were contacted to seek feedback on the concepts, and again on the draft code language. A list of the community stakeholders consulted is provided as Attachment B. The concepts, and later the draft code language, were also distributed to City staff for review to ensure consistency with other codes and programs. Staff presented the draft concepts to the Planning Commission at the November 19, 2012 work session for initial feedback. Links to the meeting materials and webcast from that meeting are provided below. The original five topic areas expanded to eight as a result of the feedback from community stakeholders, staff and the Planning Commission.

Public feedback is also expected as part of the formal hearing process. Notice of the upcoming public hearing was recently sent to all neighborhood organizations, the City of Springfield, Lane County, as well as community groups and individuals who have requested notice.

Next Steps

The formal public process on the proposed code amendments is slated to begin with a Planning Commission Public Hearing scheduled for May 14, 2013. Following the public hearing, Planning Commission will hold a work session on June 3, 2013 to discuss the public comment, suggest revisions and make a recommendation to the City Council. Following a Planning Commission recommendation, the City Council will hold a public hearing and take action in mid- 2013.

FOR MORE INFORMATION

Alissa Hansen, 541-682-5508 or alissa.h.hansen@ci.eugene.or.us

RELATED MATERIALS

November 19, 2012 Planning Commission meeting agenda item summary:

<http://or-eugene.civicplus.com/DocumentCenter/View/11678>

November 19, 2012 Planning Commission work session webcast:

<http://ceapps.eugene-or.gov/PCWEBCAST/WEBCAST/Play.aspx?mid=539>

ATTACHMENTS

- A. Draft Code Language
- B. List of Community Stakeholders

Envision Eugene Implementation: Facilitating Downtown & Mixed Use Development
DRAFT Proposed Code Language
April 12, 2013

1. Housing in Commercial Zones

Purpose

Envision Eugene calls for facilitating the transformation of downtown, key transit corridors and core commercial areas as mixed-use neighborhoods that foster active, walkable, community living by providing a mix of residential, commercial, retail, and public uses in proximity to one another.

Although mixed use is often thought of as vertical (housing over commercial), it can also be horizontal (housing adjacent to commercial). The purpose of these amendments is to increase housing opportunities, including both types of mixed use, provide for flexibility and allow for adaptive re-use opportunities for existing buildings in downtown, on key transit corridors, and in core commercial areas.

Concepts

- Allow for housing on the ground floor of buildings in the C-2 zone citywide (including downtown), thereby allowing for horizontal mixed use opportunities. This would also be applicable within two special area zones (S-C Chambers and S-F Fifth Avenue) that refer to the C-2 use and permit requirements.
- Allow for one or two apartment units (non-multi-family) in the C-3 zone downtown in conjunction with commercial use, thereby allowing for flexibility and mixed use opportunities
- As part of the Envision Eugene monitoring program, monitor the amount and type of housing developed in commercial zones to assess the effect of these code provisions on commercial and multi-family housing land supply, and make adjustments if necessary.

Proposed Code Language

Proposed additions are in *red italics* and deletions show with double ~~strikeout~~

- 9.2160 Commercial Zone Land Use and Permit Requirements.** The following Table 9.2160 Commercial Zone Land Uses and Permit Requirements identifies those uses in Commercial Zones that are:
- | | |
|------|---|
| (P) | Permitted, subject to zone verification. |
| (SR) | Permitted, subject to an approved site review plan or an approved final planned unit development. |
| (C) | Subject to a conditional use permit or an approved final planned unit development. |
| (S) | Permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000. |

- (#) The numbers in () in the table are uses that have special use limitations described in EC 9.2161.

Examples shown in Table 9.2160 are for informational purposes, and are not exclusive. Table 9.2160 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2160 Commercial Zone Land Uses and Permit Requirements					
	C-1	C-2	C-3	C-4	GO
Residential					
Dwellings					
One-Family Dwelling	P(6)	P(6)	P(7)		
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	S(6)	S(6)			P
Duplex (Two-Family Attached on Same Lot)	P(6)	P(6)	P(7)		P
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S(6)	S		S
Four-plex (Four-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S(6)	S		S
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	S(6)	S(6)	S		S

9.2161 Special Use Limitations for Table 9.2160.

(6) Residential Use Limitation in ~~C-1 and C-2~~.

~~Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, residential dwellings are allowed in C-1 and C-2 zones and are not required to use the ground floor of the structure for commercial or non-residential purposes.~~

- (a) ~~Except for the Downtown Plan Area,~~ **Residential dwellings are allowed in the C-1 and C-2 zones if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments in C-1 Zones.**
- (b) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, the maximum number of dwellings per lot is specified at EC 9.3625(8) and 9.3626(1).

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments		
<i>In C-1 Zones</i>		
Not Within the Downtown Plan Area (See Map 9.2161(6) Downtown Plan Map)		
	C-1	C-2
Commercial Uses Requirements in Mixed-Use Residential Developments		
Minimum Percent of Building Street Frontage in Commercial Use. Building street frontage shall be measured along the length of the building at the ground level within the maximum front yard setback. As used herein, "commercial" includes any non-residential use occupying a space at least 15 feet deep from the street facade of the building, excluding parking areas and garages.	80%	60%
Minimum Percent of Ground Floor Area in Commercial Use.	80%	20%

(7) Residential Use Limitation in C-3. Within the Downtown Plan Area as shown on

Map 9.2161(6) Downtown Plan Map, one and two family dwellings are allowed if 80 percent of the ground floor of the structure is used for commercial or non-residential purposes

(78) (Renumber remaining list/reconcile table)

(89)

Stakeholder Comments

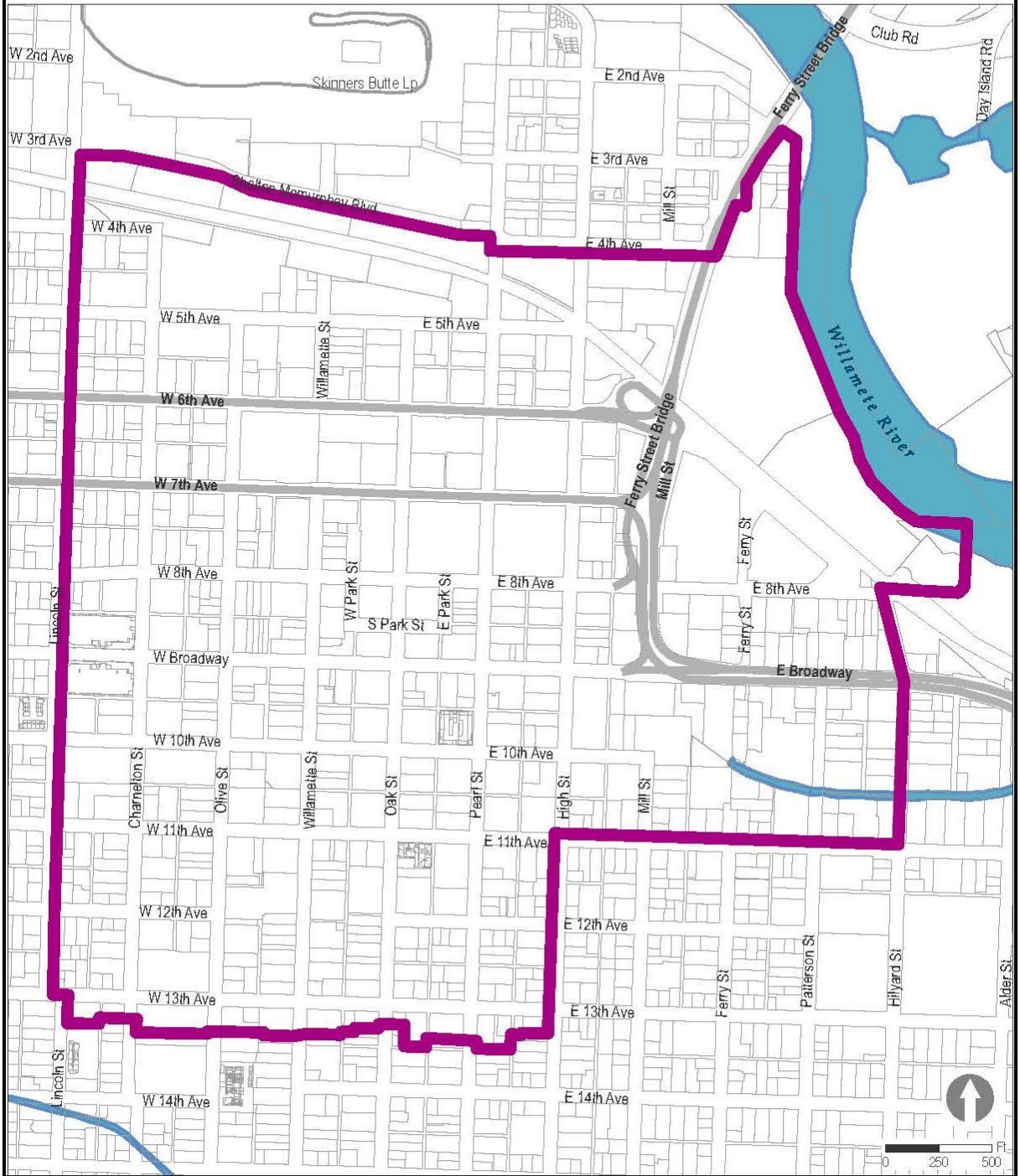
C-2 Change:

- General support
- If parking is on the ground floor, it should be screened.
- Make sure to communicate that this is city-wide

C-3 Change:

- General support
- Consider allowing two units but not one, to encourage safe behavior
- In general good, to support density and “eyes on the street” downtown, but may want to only allow it for buildings with 3 or more stories

Map 9.2161 (6) Downtown Plan Map



map date: 3/15/13

2. Surface Parking Limitation in C-3 Zone

Purpose

In 2001, the council adopted a requirement to discourage surface parking lots by setting a limit of 20 surface parking spaces and requiring all remaining spaces to be in structured parking. Additionally, the provision requires at least 1,000 square feet of floor area on the development site for each new parking space created, meaning that new stand-alone surface parking lots could not be created. While well-intentioned, this requirement has proved to be a major issue for those considering redevelopment in the C-3 zone. This standard does not account for the more typical evolutionary development that occurs downtown, where land is redeveloped- with portions of the lot retained in surface parking, or where buildings are demolished and the lot is retained temporarily for surface parking. Over time, that parking is converted as property values increase and additional redevelopment occurs.

This issue was identified early in the code amendment process in 2004. Stakeholder input at that time requested flexibility in redevelopment to allow more than 20 spaces, particularly for larger sites and where the parking could be screened from pedestrians. This issue has resurfaced multiple times during other code amendment processes, as well as during the Envision Eugene public involvement process.

Concept

- Allow for up to 20 additional surface parking spaces so long as all on-site parking is accessed via an alley and no other vehicle access from any street right-of-way (i.e. no curb cut) is allowed. Remove requirement that there must be at least 1,000 square feet of building floor area on site for each new space, thereby allowing stand-alone surface parking lots.

Proposed Code Language

Proposed additions are in *red italics* and deletions show with double ~~strikeout~~

- 9.2160 Commercial Zone Land Use and Permit Requirements.** The following Table 9.2160 Commercial Zone Land Uses and Permit Requirements identifies those uses in Commercial Zones that are:
- | | |
|------|---|
| (P) | Permitted, subject to zone verification. |
| (SR) | Permitted, subject to an approved site review plan or an approved final planned unit development. |
| (C) | Subject to a conditional use permit or an approved final planned unit development. |
| (S) | Permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000. |
| (#) | The numbers in () in the table are uses that have special use limitations described in EC 9.2161. |

Examples shown in Table 9.2160 are for informational purposes, and are not exclusive. Table 9.2160 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2160 Commercial Zone Land Uses and Permit Requirements					
	C-1	C-2	C-3	C-4	GO
Motor Vehicle Related Uses					
Parking Area not directly related to a primary use on the same development site		SR (4)	P(5)	P	P
Structured Parking, up to two levels not directly related to a primary use on the same development site		P	P	P	P
Structured Parking, three or more levels not directly related to a primary use on the same development site		C	P	P	C

9.2161 Special Use Limitations for Table 9.2160.

- (4) **Parking Areas in C-2.** Any parking area established after August 1, 2001 that is not directly tied to a specific development shall require approval through the site review process.
- (5) **Parking Areas in C-3.** ~~For surface parking spaces created after August 1, 2001, there shall be at least 1,000 square feet of floor area on the development site for each new parking space created.~~ The maximum number of surface parking spaces on a development site shall be 20. All parking spaces in excess of these limits shall be in structured parking. *Up to 20 additional surface parking spaces may be created if all on-site parking is accessed via an alley and no other vehicle access from any street right-of-way (i.e. no curb cut) is allowed.*

Stakeholder Comments

Mixed support

- Those not in support expressed need for density and development downtown, and that surface parking lots are in opposition to this.
- Those in support expressed that it would provide flexibility for transitions of sites and would allow for development to happen when the market is ready.
- Ok with change but want it to be associated with a use, not just for general public use.

3. Large Commercial Facilities Standards

Purpose

As part of the land use code update in 2001, all new buildings in commercial zones with 25,000 square feet or more of floor area were required to meet the Large Commercial Facilities Standards, which are a set of development standards addressing the appearance and function of large commercial developments. While the intent of these standards is appropriate for downtown, for the most part, the standards are geared towards large-scale developments typically found in a more suburban setting, rather than the core where there is a gridded street pattern and associated blocks, ample sidewalks and alleys, and parking exempt areas.

These standards attempt to address building and site design issues which the general commercial standards would not adequately cover, especially regarding larger commercial centers. Not only are downtown sites physically distinct in nature, they lie within the transit oriented district overly (/TD) which already include additional standards specific to an urban setting.

Two recent downtown projects, the Lane Community College Downtown Campus and the Woolworth Building, requested adjustments to the on-site pedestrian circulation requirements of these standards. These provisions are redundant in an urban setting when public sidewalks and alleyways are directly adjacent to the building facades.

Concepts

- Clarify that these standards apply to new buildings with 25,000 square feet *in commercial use*.
- Exempt development within the boundaries of the Downtown Plan area from certain Large Commercial Facilities standards:
 - Vehicle connections between sites [EC 9.2173(5)]
 - On-Site Pedestrian Circulation [EC 9.2173(6)]
 - Interior Yard Landscaping [EC 9.2173(7)]
 - Delivery and Loading Facilities [EC 9.2173(9)]
 - Setbacks from Residential Zoning [EC 9.2173(11)]
 - The remaining standards would continue to apply.
- As part of the Envision Eugene monitoring program, monitor the amount and type development in commercial zones to assess the effect of these code provisions on commercial land supply, and make adjustments if necessary.

Proposed Code Language

Proposed additions are in *red italics* and deletions show with double ~~strikeout~~

9.2171 Special Commercial Zone Development Standards for Table 9.2170.

- (7) ~~Minimum interior yard setbacks for large commercial facilities on a lot adjacent to or facing a residential zone shall be 30 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made~~

~~based on the criteria in EC 9.8030(16).~~ *[Moved to Large Commercial Facilities Standards, below and revised for clarity]*

9.2173

Commercial Zone Development Standards - Large Commercial Facilities.

- (1) Description and Purpose.** The intent of these regulations is to:
 - (a) Improve the appearance and function of large commercial developments in any commercial zone.
 - (b) Encourage efficient use of land resources and urban services.
 - (c) Encourage mixed use.
 - (d) Support transportation options.
 - (e) Promote detailed, human-scale site and building design.
- (2) Application of Standards.**
 - (a) In addition to the standards of EC 9.2170 Commercial Zone Development Standards - General, all of the standards in this section apply to any new building with 25,000 square feet or more of floor area in commercial or non-residential use, and the portion of the development site specifically affected by the new building, unless exempt from certain standards under subsection (b) below.*
 - (b) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, the standards at subsections (5), (6), (7), (9) and (11) do not apply.*
- (3) Building Entrances.**
 - (a) All building sides that face an adjacent street shall feature at least one customer entrance. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
 - (b) Where a building faces more than two adjacent streets, excluding those with limited access, this requirement shall apply only to two sides of the building.
 - (c) Corner entrances, placed at an angle of up to 45 degrees from the primary street, as measured from the street lot line, may be substituted for separate entrances required under subsection (b), above. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
- (4) Off-Street Parking.**
 - (a) No off-street parking shall be located between the front facade of any new building(s) and the primary adjacent street.
 - (b) Individual parking areas may be no larger than 55,000 square feet in size. Separation between individual parking areas may be achieved by placement of internal accessways. Such accessways used to separate parking areas shall have at least one travel lane, curbs, and sidewalks at least 8 feet in width on both sides of the access way.
- (5) Vehicle Connections Between Sites.** For development sites that abut an arterial or collector street, at least one internal vehicle accessway connection must be made between the subject development site and adjacent sites zoned for commercial use.
- (6) On-Site Pedestrian Circulation.** In place of standards set forth in EC 9.6730 Pedestrian Circulation On-Site, the following standards shall apply to large commercial facilities:
 - (a) A continuous internal pedestrian walkway, no less than 8 feet in width, shall be provided from the public sidewalks or right-of-way to all customer entrances of all buildings on the development site, and to all public sidewalks and paths abutting the development site.

- (b) Sidewalks, no less than 8 feet in width, shall be provided along the full length of building walls featuring a customer entrance, and along any wall abutting public parking areas. Such sidewalks shall be located at least 6 feet from the wall of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - (c) Sidewalks, no less than 8 feet in width, shall be provided for direct connection to entrances of all new and existing buildings on the development site to one another, except entrances used for loading and unloading freight.
 - (d) Internal pedestrian walkways provided in conformance with subsection (a) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
 - (e) At least one pedestrian accessway connection, a minimum of 8 feet in width, shall be made to connect the buildings on the subject development site to all adjacent sites either developed or zoned for commercial, office, residential, or institutional use.
 - (f) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (7) Interior Yard Landscaping.** Interior yards abutting a lot with a residential zone shall be provided with landscaping that meets the requirements in EC 9.6210(7) Massed Landscape Standard (L-7). The required landscaping may be pierced by pedestrian and vehicular access ways.
- (8) Service and Loading Areas.**
- (a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170 Commercial Zone Development Standards - General.
 - (b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC 9.2171(11) Outdoor Merchandise Display.
- (9) Delivery and Loading Facilities.** ~~On lots abutting parcels zoned for residential development, a~~ Delivery and loading facilities shall be setback a minimum of 30 feet from ~~interior yards abutting residentially zoned lots~~ property lines with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).
- (10) Exterior Wall Articulation, Facades, and Ground Floor Windows.**
- (a) Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Except for building walls facing an alley, ground floor facades 100 feet or greater in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. **(See Figure 9.2173(10)(a) Large Commercial Facilities-Exterior Wall Articulation.)**
 - (b) Ground floor facades that face streets adjacent to the development site shall have arcades, collonades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. **(See**

Figure 9.2173(10)(b) Large Commercial Facilities-Exterior Facades.)

- (c) Except for building walls facing an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to any head height. The portion of window area meeting this standard is from the sill (bottom edge) to the head (top edge) including portions up to 9 feet above the finished grade. Alcoves, entryways, and extruding portions of the wall shall be treated by measuring through such areas as though along the flat wall of a building. **(See Figure 9.2173(10)(c) Large Commercial Facilities-Ground Floor Window Calculation.)** Solid walls are prohibited along street frontages. This standard does not apply to parking structures. For a wall with a loading dock, the wall length referred to in subsection (10)(c)1., below, shall exclude the wall area affiliated with the loading and unloading of freight.
1. General Standard. The windows in any walls that require windows shall occupy at least 50 percent of the length and 25 percent of the ground floor wall area. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. The bottom of the windows shall be no more than 4 feet above the finished grade.
 2. Corner Lots. On corner lots, the general ground floor window standard stated in subsection (c) must be met on one street frontage only. On the other street(s), the requirement is ½ of the general standard. The applicant may choose on which street to apply the general standard.

(11) Interior Yard Setbacks from Residential Zoning. *Interior yard setbacks shall be a minimum of 30 feet from abutting residentially zoned lots.*

(142) Adjustments. Except for the Downtown Plan Area, adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the standards in this section may be made based on the criteria at EC 9.8030(16).

Stakeholder Comments

- Generally strong support – makes sense
- Concern with any impact on adjacent residential (especially with loading/service)
- Concern with connectivity within shopping areas like 5th Street Market

4. Commercial Landscaping Standards

Purpose

New development in all commercial zones, except the C-3 Major Commercial zone, is subject to landscaping standards, including minimum landscape area requirement and minimum landscape bed widths. While these standards are appropriate for most areas of town, they are not relevant or consistent within a higher quality pedestrian-friendly urban setting. Many developments attain the 10% minimum landscaping requirement through parking lot landscaping. However, much of downtown is parking exempt, meaning that on-site parking, and the associated required landscaping, is not required. Street trees, planters and public open space already provide landscaping on a downtown wide scale. Removal of this standard for all downtown would not preclude landscaping, but would not prescribe it on a site-by-site basis.

Although a landscape bed is not typically required between a building and a street, if one is provided, it is required to be 7-feet in width. This width requirement is seen as a disincentive for providing any landscaping within the front yard, which could be an amenity over paving. The proposed 5-foot width is consistent with a /TD overlay zone landscaping bed requirement.

Concepts

- Eliminate minimum landscape area requirement (10% of site) for C-2 zone properties within the Downtown Plan area. C-3 zone properties are already exempt from providing landscaping.
- Reduce required width of landscaping bed in front yard from 7 feet to 5 feet.

Proposed Code Language

Proposed additions are in *red italics* and deletions show with double ~~strikeout~~.

9.2171 Special Commercial Zone Development Standards for Table 9.2170.

- (8) In addition to the minimum landscape area requirements of Table 9.2170 Commercial Zone Development Standards, the following landscape standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.
- (a) Minimum Landscape Area Required. In all commercial zones, except *C-2 within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map and C-3*, a minimum of 10 percent of the development site shall be landscaped with living plant materials. *No minimum landscaping is required within C-2 in the Downtown Plan Area and within C-3.* All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of

exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.

- (b) Minimum Landscape Standard. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).
- (c) Landscaping In Front Yard Setbacks. If a front yard setback contains a landscape planting bed, the planting bed shall be a minimum of ~~7~~ **5** feet in width and shall comply, at a minimum, with EC 9.6210(1) Basic Landscape Standard (L-1).
- (d) Landscaping In Interior Yard Setbacks Abutting Residential Zones. Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).
- (e) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure.
- (f) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections ~~(8)(a)~~, (8)(b) and (8)(c) may be made based on the criteria in EC 9.8030(16).

Stakeholder Comments

Minimum Landscape Area Reduction

- Support for requiring 5% for C-2 within downtown, but not eliminating
- Support for eliminating or requiring 5% if adjustable (encourages more sustainable building)

Required bed width reduction

- Consider three feet instead of seven feet. If three feet, then do not require trees to be planted in bed.
- If three feet, ensure that width of planting area is three feet (not including curbs)

5. /ND Nodal Development Overlay Zone

Purpose

Consistent with the nodal development program outlined in TransPlan, the City has relied on the re-designation and re-zoning of specific areas for implementation. This has occurred either through the application of specific area zones (resulting from area planning, such as Walnut Station) or through the application of a general “nodal development” overlay zone.

The /ND overlay zone is intended to direct and encourage nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations (EC 9.4250). Nodal development is defined as a mixed use, pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

The /ND Nodal Development Overlay zone applies within four areas across the city: Crescent Village, Danebo, Lower River Road, and Downtown (see map). Within the first three areas all properties within the city limits have the /ND overlay, and the remaining properties receive the overlay zone upon annexation. Within downtown, the /ND overlay was not applied when the area was designated nodal development in the Metro Plan. Rather, it is applied when properties are re-zoned. As such, only five properties within downtown are zoned /ND.

Although the intent of the /ND overlay is to encourage mixed use development, because of its one-size-fits-all nature, several of the regulations have been identified as barriers to commercial and residential developments. In an effort to protect these areas from incompatible development, the /ND regulations have had the effect of restricting or limiting development.

Concepts

- Allow for adjustments to the density and development standards for all parcels in the /ND overlay, not just those with no alley access or physical or legal constraints
- Clarify the requirements for Parking Between Buildings and the Street for corner lots
- Add relevant adjustment review criteria based on the Downtown Plan Area adjustment review criteria

Proposed Code Language

Proposed additions are in *red italics* and deletions show with double ~~strikeout~~

/ND Nodal Development Overlay Zone

9.4250 **Purpose of /ND Nodal Development Overlay Zone.** The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible

development prior to adoption of nodal development plans and implementing land use regulations. An adopted development plan for a specific node may recommend the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.

9.4260 **Procedure for Applying the /ND Nodal Development Overlay Zone.** Rezoning to apply the /ND overlay zone concurrent with a Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Except as provided in EC 9.7810, rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro Plan diagram shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.

9.4270 **Applicability.** The /ND overlay zone applies to all property where /ND is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. The /ND requirements in EC 9.4280 and 9.4290 apply to the following:

- (1) New development on vacant land.
- (2) New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
- (3) An expansion of 30% or more of the total existing building square footage on the development site; however, expansion of a structure for a use prohibited under EC 9.4280 or the expansion/addition of a drive-through facility as part of the expansion of an existing structure are prohibited.

The /ND standards in EC 9.4290 do not apply to a building alteration. The provisions of the /ND overlay zone supplement those of the applicable base zone or special area zone and other applicable overlay zones. Where overlay zone and base zone provisions conflict, the more restrictive controls.

9.4280 **Prohibited Uses and Special Use Limitations.**

(1) Prohibited Uses.

(a) Motor Vehicle Related Uses.

1. Car washes.
2. Parts stores.
3. Recreational vehicle and heavy truck, sales/rental/service.
4. Motor vehicle and motorcycle sales/rental/service.
5. Service stations, includes quick servicing.
6. Tires, sales/service.
7. Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
8. Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.

(b) Trade (Retail and Wholesale).

1. Agricultural machinery rental/sales/service.
2. Boats and watercraft sales and service.
3. Equipment, heavy, rental/sales/service.
4. Manufactured dwelling sales/service/repair.

(2) Special Use Limitations.

- (a) Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, no use may include a drive-through facility, unless explicitly permitted in a refinement plan. Within the Downtown Plan Area:
 - 1. Drive-through only establishments are not permitted.
 - 2. For a structure that has two or more functional floors, a drive-through facility is permitted.
 - 3. For a structure that has only one functional floor, a drive-through facility to provide financial services, pharmaceutical prescription dispensing or government services may be permitted subject to an adjustment based on the criteria at EC 9.8030(16).
- (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such new building *on the development site* may contain 50,000 square feet of building area on the ground floor.

9.4290 Density and Development Standards. In addition to the requirements of the base zone, the following standards shall apply *to all development, except that the standards at subsection (2) and (3) do not apply to single-family dwellings or duplexes.*

(1) Minimum Residential Density and Floor Area Ratio (FAR).

- (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
- (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).
- (c) Where the base zone is C-4, I-1, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).

(2) Building Setbacks.

- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

(3) Parking Between Buildings and the Street.

- (a) Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
- (b) For *a development site* that abuts a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).
- (c) For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.
- (d) *For a development site with frontage on more than one street, these standards only apply along one street frontage.*

- (4) **Adjustments.** ~~Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, a~~ An adjustment to any of the standards in this section may be made ~~for ND parcels with no alley access or with physical or legal constraints~~ based

~~on pursuant to the criteria beginning at EC 9.8045(31) of this land use code. Adjustments to this section may be made for any parcel within the Downtown Plan Area based on the criteria at EC 9.8030(16).~~

9.8030 **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

(14) Overlay Zone Development Standards Adjustment. Unless a subsection of EC 9.8030 sets out adjustment review criteria for a specific overlay zone, where this land use code provides that overlay zone standards may be adjusted, the standards may be adjusted upon a finding that the adjustment of the standards will result in a development that is consistent with the purpose of the overlay.

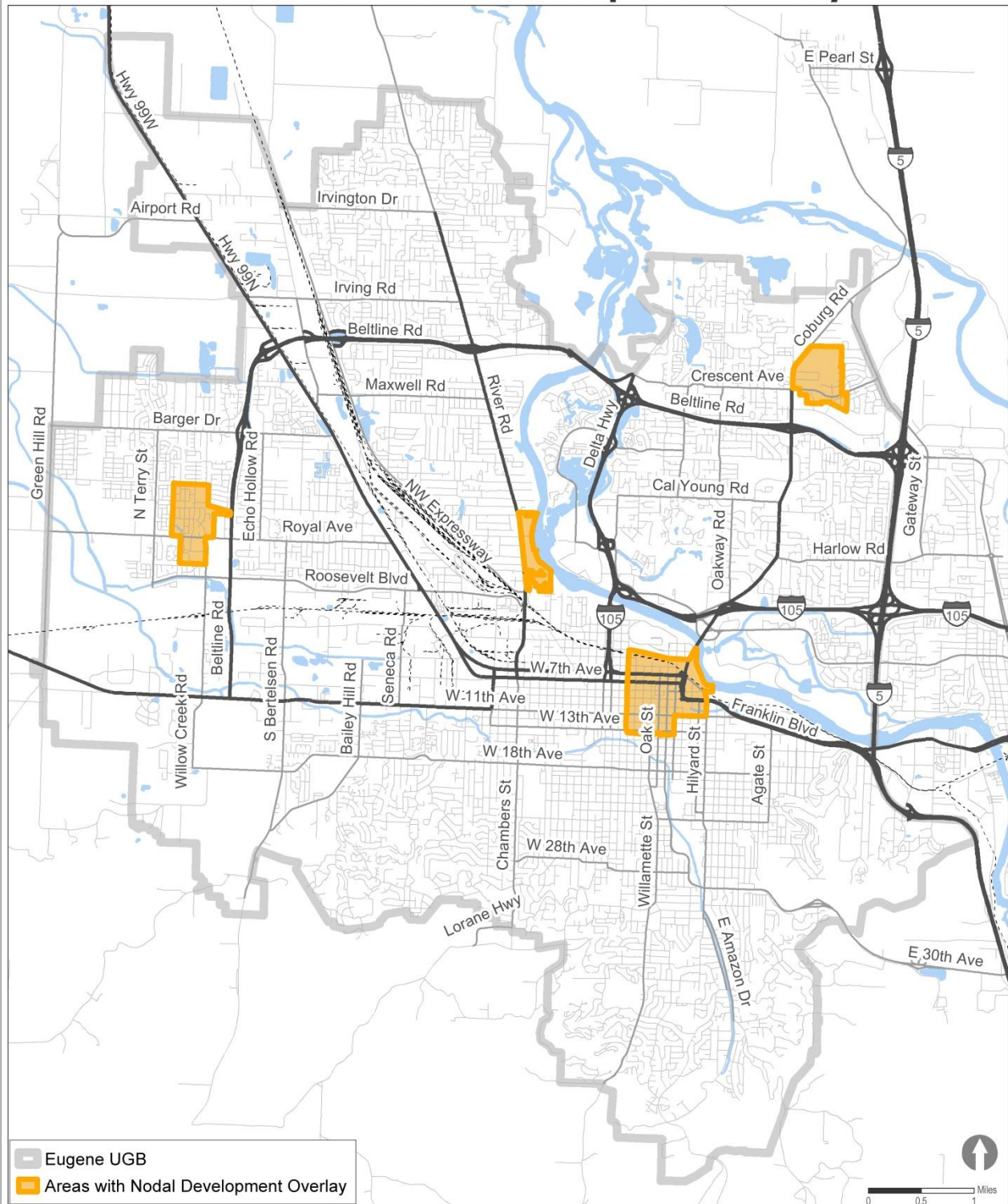
(31) /ND Nodal Development Overlay Zone. *Where this land use code provides that a development standard applicable within the /ND Nodal Development overlay zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:*

- (a)** *The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:*
- 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and*
 - 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.*
- (b)** *Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.*

Stakeholder Comments

- Talk with more stakeholders
- Consider a bigger more comprehensive fix to eliminate or revamp entire overlay (requires changes to Metro Plan/TransPlan)
- Consider impact on future transit routes in criteria
- Support for more flexibility/clarity and more relevant adjustment review criteria

Areas with Nodal Development Overlay



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

City of Eugene
Planning and Development Department
March 22, 2013

6. /TD Transit Oriented Development Overlay Zone

Purpose

Similar to the /ND overlay zone, the Transit Orient Development overlay zone (/TD) is intended to promote mixed use, pedestrian friendly land use patterns with high potential for enhanced transit. This overlay contains development standards that address a variety of building and site design issues, several of which have been incorporated into the /ND overlay zone.

The proposed changes mirror two of the changes proposed for the /ND overlay zone, and are intended to provide clarity and to better align the adjustment review criteria with the intent of the zone and development standards.

Concepts

- Clarify the requirements for Parking Between Buildings and the Street for corner lots (mirroring changes to /ND overlay zone).
- Add relevant adjustment review criteria based on Downtown Plan Area adjustment review criteria.

Proposed Code Language

Proposed additions are in *red italics* and deletions show with double ~~strikeout~~

/TD Transit Oriented Development Overlay Zone

9.4500 Purpose of /TD Transit Oriented Development Overlay Zone. The /TD Transit Oriented Development Overlay Zone is intended to promote the creation and retention of mixed land uses in areas with high potential for enhanced transit and pedestrian activity. Pedestrian circulation and transit access are especially important and have increased emphasis in areas with the /TD overlay zone. The development standards are designed to encourage compact urban growth, opportunities for increased choice of transportation mode, reduced reliance on the automobile, and a safe and pleasant pedestrian environment, by insuring an attractive streetscape, a functional mix of complementary uses, and provision of amenities that support the use of transit, bicycles, and pedestrian facilities.

9.4530 /TD Transit Oriented Development Overlay Zone Development Standards.

(4) Parking Between Buildings and the Street.

- (a)* Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
- (b)* For *a development* sites that abuts a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is

occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).

- (c) For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.
- (d) *For a development site with frontage on more than one street, these standards only apply along one street frontage.*

- (7) **Adjustments.** ~~Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, a~~ An adjustment to any of the standards in this section may be made pursuant to *based on* the criteria beginning at EC 9.8045 ~~30(32) of this land use code. Within the Downtown Plan Area, adjustments to any of the standards in this section may be made based on the criteria at EC 9.8030(16).~~

9.8030 **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

- (14) **Overlay Zone Development Standards Adjustment.** Unless a subsection of EC 9.8030 sets out adjustment review criteria for a specific overlay zone, where this land use code provides that overlay zone standards may be adjusted, the standards may be adjusted upon a finding that the adjustment of the standards will result in a development that is consistent with the purpose of the overlay.

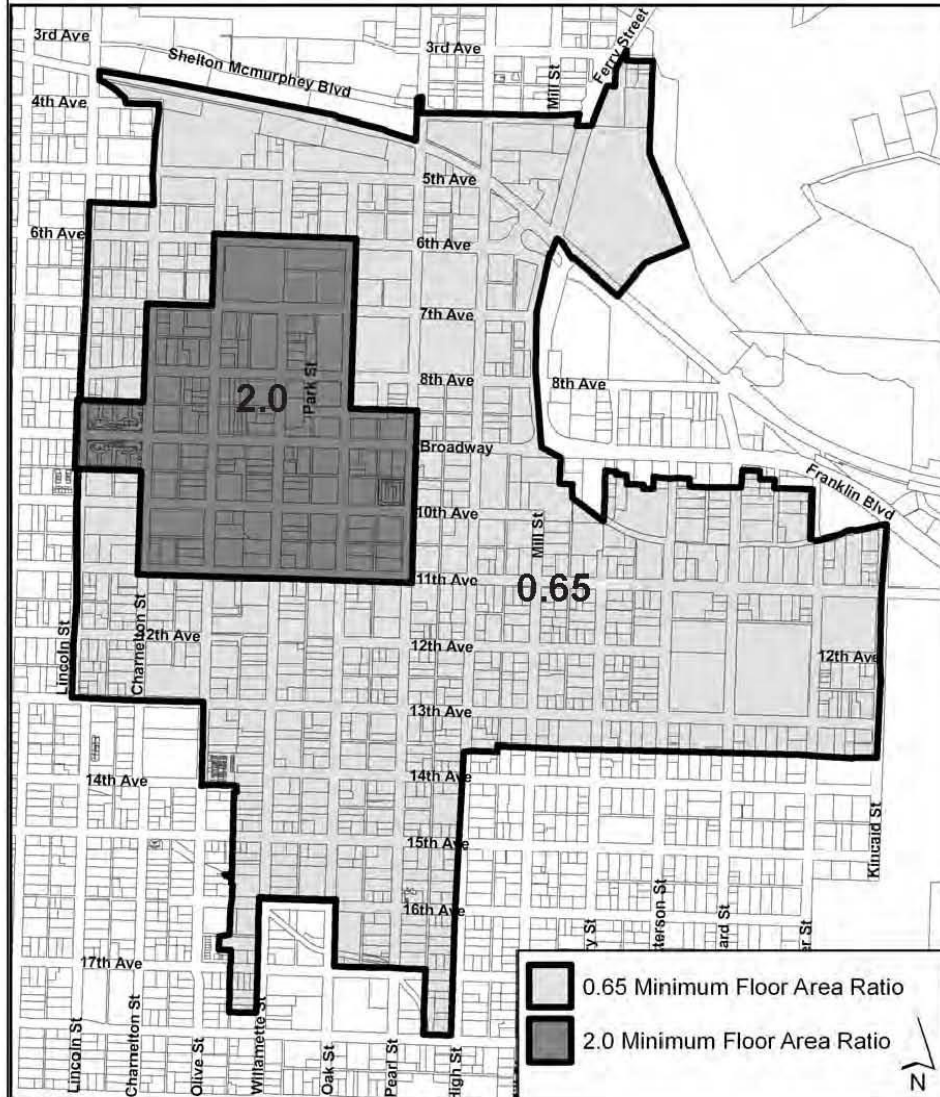
(32) /TD Transit Oriented Development Overlay Zone. Where this land use code provides that a development standard applicable within the /TD Nodal Development overlay zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:

- (a) *The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:*
 - 1. *A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and*
 - 2. *An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.*
- (b) *Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.*

Stakeholder Comments

- Consider impact on future transit routes in criteria
- Support for more flexibility/clarity and more relevant adjustment review criteria

Map 9.4510
**Transit Oriented Development
 Overlay Zone**



7. Traffic Impact Analysis Requirement within Downtown Parking Exempt Area

Purpose

A Traffic Impact Analysis (TIA) Review is required for developments that exceed a threshold number of trips or anticipated traffic problems. The purpose of the TIA Review is to ensure that developments provide necessary facilities to accommodate the traffic impact of a proposed development which generates a significant amount of traffic, contributes to traffic issues in the area, or results in unacceptable levels of service of the roadway system.

The TIA is an important and relevant tool for managing and mitigating the impacts of growth and development. However, the downtown area has some unique characteristics that lessen the benefits or need of the TIA. These include:

- The downtown has lower adopted mobility standards than all other areas in the city (level of service E for downtown compared to level of service D for the rest of the city) as a result of the Central Area Transportation Study (CATS).
- The downtown area consists of an established grid pattern of interconnected streets.
- There are multiple lower and higher order streets that enter and exit the downtown core.
- There are numerous options for distribution and assignments of projected trips.
- Speeds are generally lower and the pedestrian level environment tends to keep it that way.
- Downtown has ample transit facilities and the City has put a priority on encouraging alternate modes of travel.
- Development in downtown is primarily re-development of existing properties.
- It is unlikely that new intersections, new street alignments or widths would be proposed or exacted.
- Downtown buildings generally have only a small setback or are zero lot line developments. This reduces the likelihood of adding lanes. Any capacity upgrades would likely come from operational or geometric changes to improve efficiencies where right-of-way is constrained.
- Recently adopted access management standards control new driveway locations.
- Within a large part of downtown, projects are exempt from providing any on-site vehicle parking.

During the Envision Eugene public involvement events, it was suggested that the TIA requirement in the downtown area be eliminated to save unnecessary expense, time and expectations of site specific system improvements.

Concept

- Eliminate TIA requirement for development within the boundaries of the Downtown Automobile Parking Exempt Area. Retain requirement outside of Downtown Automobile Parking Exempt Area.
- To be processed concurrently with amendments to the Metro Plan and TransPlan to reduce level of service for corresponding area (Policy F.15 of Metro Plan and TSI Roadway Policy 2 in TransPlan).

Proposed Code Language

Proposed additions are in *red italics* and deletions show with double ~~strikeout~~.

- 9.8670** **Applicability.** *Except within the Downtown Automobile Parking Exempt Area as shown on Map 9.6410(4)(a) Downtown And West University Automobile Parking Exempt Areas,* Traffic Impact Analysis Review is required when one of the following conditions exist:
- (1) The development will generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.
 - (2) The increased traffic resulting from the development will contribute to traffic problems in the area based on current accident rates, traffic volumes or speeds that warrant action under the city's traffic calming program, and identified locations where pedestrian and/or bicyclist safety is a concern by the city that is documented.
 - (3) The city has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards.
 - (4) For development sites that abut a street in the jurisdiction of Lane County, a Traffic Impact Analysis Review is required if the proposed development will generate or receive traffic by vehicles of heavy weight in their daily operations.

9.9650 **TransPlan Policies.**

- (3) **Transportation System Improvements: Roadways.** Motor vehicle level of service policy:
 - (a) Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
 1. Identifying capacity deficiencies on the roadway system.
 2. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
 3. Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
 - (b) Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
 1. *Level of Service F within Eugene's Downtown Automobile Parking Exempt Area;*
 2. Level of Service E within *the portion of* Eugene's Central Area Transportation Study (CATS) area *that is not within Eugene's Downtown Automobile Parking Exempt Area;* and
 3. Level of Service D elsewhere.
 - (c) Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of

a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of Policy F-15: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

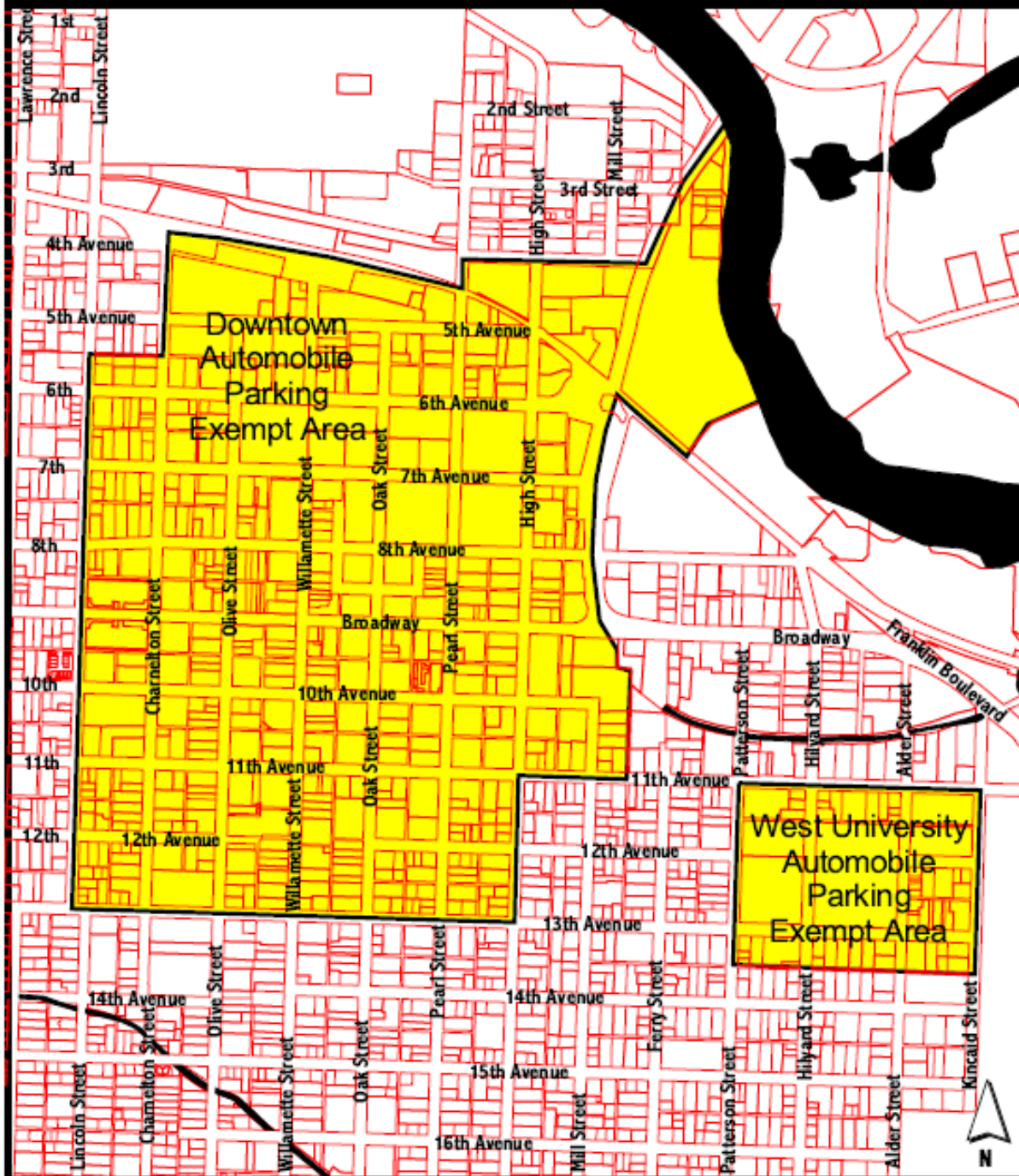
The above change to EC 9.9650 would also need to be made to Policy F.15 of the Metro Plan and TSI Roadway Policy 2 of TransPlan, as they contain the exact language as cited above.

Stakeholder Comments

- General support for using parking exempt area for TIA exempt area
- Desire for tool to address walk and bike-ability and related facilities
- Maybe we could do TIAs in house – we should have this technology

Map 9.6410(4)(a)

Downtown And West University Automobile Parking Exempt Areas



8. General Commercial Standards Re-organization

Purpose

Although this proposal does not result in any substantive changes that would facilitate development, it does help with administration and implementation of the general commercial development standards. Currently, this section of the commercial development standards contains general standards and special standards. While the majority of the general standards fall under the heading of special standards, there is little to no distinction between the general and the special standards. For clarity, the special standards heading is removed (effectively making all of the standards general), and additional subheadings are added.

Concepts

- Re-organize general commercial standard for clarity, by removing the special standards heading (effectively making all of the standards general), and adding additional subheadings.

Proposed Code Language

Proposed additions are in *red italics* and deletions show with double ~~strikeout~~.

[Note: Does not include all proposed amendments from above – these would be incorporated at time of ordinance creation. Other code section references and figures would need to be changed accordingly.]

9.2170 Commercial Zone Development Standards - General.

- (1) Intent.** These commercial zone development standards are intended to achieve the following:
 - (a) Improve the quality and appearance of commercial development in the city.
 - (b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
 - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
 - (d) Increase opportunities for use of alternative modes of transportation.
 - (e) Regulate the intensity of use allowed on a site.
 - (f) Control the overall scale of commercial buildings.
 - (g) Promote streetscapes that are consistent with the desired character of the various commercial zones.
 - (h) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.
- (2) Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, the development standards listed below shall apply to all development in commercial zones. ~~except the following:~~
 - ~~(a) Maximum Front Yard Setback,~~
 - ~~(b) Minimum Landscape Area,~~
 - ~~(c) Drive Through Facilities,~~

which shall be subject to the special development standards of EC 9.2171(5), EC 9.2171(8) and EC 9.2171(15). In cases of conflict, the standards specifically applicable in commercial zones shall apply.

Table 9.2170 Commercial Zone Development ~~General Building Height and Setback~~ Standards
(See EC 9.2171 Special Development Standards for Table 9.2170.)

	C-1	C-2	C-3	C-4	GO
Building Height (See EC 9.2170(3))					
Maximum Building Height (1) (2) (3)	35 feet	120 feet (2)	150 feet (2)	50 feet (2)	50 feet (3)
Setbacks (See EC 9.2170(4))					
Minimum Front Yard Setback (4) (17)	10 feet	0 feet	0 feet	10 feet	10 feet
Maximum Front Yard Setback (5) (17)	15 feet	15 feet	15 feet	None	15 feet
Minimum Interior Yard Setback (4) (6) (7) (16)	0 feet to 10 feet (6)	0 feet to 10 feet (6)	0 feet	0 feet to 10 feet (6)	0 feet to 10 feet (6)
Minimum Landscape Area (8)	10%	10%	None	10%	10%
Fences (9)					
Outdoor Storage Areas (10)					
Outdoor Merchandise Display (11)					
Garbage Screening (12)					
Utilities (13)					
Delivery and Loading Facilities (14)					
Drive-Through Facilities (15)					
Large Commercial Facilities (See EC 9.2173)					
Large Multi-Tenant Commercial Facilities (See EC 9.2175)					

~~9.2171 Special Commercial Zone Development Standards for Table 9.2170.~~

(3) Building Height

~~(4)~~(a) Exceptions to the general height restrictions for commercial structures stated in Table 9.2170 Commercial Zone ~~Development~~ **General Building Height and Setback** Standards are contained in:

- ~~(a)~~ 1. EC 9.6715 Height Limitation Areas.
- ~~(b)~~ 2. EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.

~~(2)~~(b) Subject to the limitations in subsection ~~(4a)~~ of this section, in the C-2, C-3, or C-4 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.

~~(3)~~(c) Subject to the limitations in subsection ~~(4a)~~ of this section, the maximum permitted building height for main or accessory buildings in the GO zone shall not exceed 35 feet in height within 50 feet of an abutting AG, R-1, or R-2 zone. Otherwise, main and accessory building height maximums shall not exceed 50 feet.

(4) Setbacks

~~(4a)~~ Exceptions to the general minimum front and interior yard setback requirements stated in Table 9.2170 Commercial Zone ~~Development~~ **General Building Height and Setback** Standards are contained in:

1. EC 9.6745 Setbacks - Intrusions Permitted.
2. EC 9.6750 Special Setback Standards.

(5b) The maximum front yard setbacks stated in Table 9.2170 Commercial Zone Development ~~General Building Height and Setback~~ Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, front yard setback may be measured from a public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, all new buildings and the portion of the development site specifically affected by the new building are subject to the requirements of this subsection. **(See Figure 9.2174-0(54)(b) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)**

- (a) 1.** In C-1, at least 80% of all street facing facades of the building must be within the specified maximum front yard setback.
- (b) 2.** In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal accessway, private drive, or shopping street as defined in EC 9.2175(3) is permitted in compliance with EC 9.2173(4)(a).
- (c) 3.** In GO, at least 60% of all street facing facades of the building must be within the specified maximum front yard setback.
- (d) 4.** Vehicular parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection.
- (e) 5.** Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street.
- (f) 6.** The land between the portion of a building complying with EC 9.2171(5)(a) ~~2170(4)(b) 1. or (b) 2.~~ and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection. **(See Figure 9.2174-0(54)(eb) Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)**
- (g) 7.** The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. **(See Figure 9.2174-0(54)(eb) Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)**

(6c) Where lot lines abut property within a residential zone category, the minimum interior yard setback for any building shall be 10 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on the criteria in EC 9.8030(16).

(7d) Minimum interior yard setbacks for large commercial facilities on a lot adjacent to or facing a residential zone shall be 30 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may

be made based on the criteria in EC 9.8030(16).

(46e) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, setbacks from all portions of interior lot lines (as that term is defined for purposes of the S-JW Special Area Zone) shall be at least 10 feet from the interior lot line. In addition, at a point that is 20 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from that lot line.

(47f) Adjustments. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the minimum and maximum front yard setbacks in this *subsection, except subsection (4)(a)*, may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment. Within the Downtown Plan Area, adjustments to the minimum and maximum front yard setbacks in this *subsection, except subsection (4)(a)*, may be made, based on the criteria at EC 9.8030(16).

(85) Landscaping. ~~In addition to the minimum landscape area requirements of Table 9.2170 Commercial Zone Development Standards, the following standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.~~

- (a) Minimum Landscape Area Required. In all commercial zones, except C-3, a minimum of 10 percent of the development site shall be landscaped with living plant materials. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.
- (b) Minimum Landscape Standard. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).
- (c) Landscaping In Front Yard Setbacks. If a front yard setback contains a landscape planting bed, the planting bed shall be a minimum of 7 feet in width and shall comply, at a minimum, with EC 9.6210(1) Basic Landscape Standard (L-1).
- (d) Landscaping In Interior Yard Setbacks Abutting Residential Zones. Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).
- (e) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure.
- (f) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections ~~(8)(a)~~, ~~(8)(b)~~ and ~~(8)(c)~~ may be made based on the criteria in EC 9.8030(16).

(96) Fences.

- (a) Types. The type of fence, wall or screen used in any situation is limited only by specific requirements stated in landscape standards beginning at EC 9.6200 Purpose of Landscape Standards.

(b) Locations and Heights.

1. Fences up to 42 inches in height are permitted within the minimum or maximum front yard setback whichever is greater.
2. Fences up to 8 feet high are allowed in interior yard setbacks.
3. The height of fences that are not in required setback areas is the same as the regular height limits of the zone.
4. Fences must meet standards in EC 9.6780 Vision Clearance Area. (See **Figure 9.2174-0(96) Fencing Standards in Commercial Zones and Figure 9.0500 Vision Clearance Area.**)

- (c) Adjustments. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (96)(a) and (94)(b) may be made based on the criteria in EC 9.8030(16).

(407) Outdoor Storage Areas. Except for plant nurseries, outdoor storage is not permitted in any commercial zone. All merchandise to be stored must be enclosed entirely within buildings or structures.

(448) Outdoor Merchandise Display.

- (a) Except for plants and garden supply products, outdoor merchandise display is not allowed in C-1 and GO zones.
- (b) In the C-2 and C-4 zones, outdoor display of the uses listed in subsection 1. of this subsection, is permitted when in conformance with the standards listed in subsection 2. of this subsection.
 1. Plants and garden supply products; motor vehicle sales, service, and repair; new and used boat sales; large equipment sales and rentals; service station pump islands; vending machines; manufactured home sales; children's outdoor play equipment; and hot tubs.
 2. Outdoor merchandise display is not permitted in required setback areas. Except for plant and garden supply displays, outdoor display areas shall be set back a minimum of 7 feet from the front lot lines with required setbacks landscaped to at least the EC 9.6210(1) Basic Landscape Standard (L-1).
- (c) In the C-3 zone, outdoor merchandise display is permitted if all products are placed in an enclosure after business hours.
- (d) Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsection (b)2. of this section may be made based on criteria in EC 9.8030(2)(d). Within the Downtown Plan Area, adjustments to subsection (448)(b)2. may be made based on the criteria in EC 9.8030(16).

(429) Garbage Screening. All outdoor garbage collection areas shall be screened on all sides within a solid perimeter enclosure that meets the following standards:

- (a) Materials within enclosures shall not be visible from streets and adjacent properties.
- (b) Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard (L-6).
- (c) Garbage collection areas shall not be located within required setbacks. Trash or recycling receptacles for pedestrians are exempt from these requirements.

(4310) Underground Utilities. All utilities on the development site shall be placed underground. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on criteria in EC 9.8030(5). Within the Downtown Plan Area, adjustments to this section may be made based on criteria in EC 9.8030(16). Refer also to EC 9.6775.

(4411) Delivery and Loading Facilities.

- (a) Delivery and loading facilities are not permitted in required setback areas.
- (b) On lots abutting parcels with a residential zone, delivery and loading facilities shall be set back a minimum of 10 feet from property lines with required interior yard setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(4512) Drive-Through Facilities.

- (a) Application. The regulations in (b) through (e) of this subsection apply to the establishment of new drive through facilities, the addition of travel lanes for existing drive-through facilities in existing developments, and the relocation of an existing drive-through facility.
- (b) Drive-Through Facilities in C-1 Zone. Drive-through facilities are not permitted in C-1 zones.
- (c) Service Areas Setback and Landscaping. Service areas and stacking lanes shall be set back a minimum of 10 feet from all lot lines. Setback areas abutting a street shall be landscaped to at least the standards in EC 9.6210(1) Basic Landscape Standard (L-1). Interior yard setback areas must be landscaped to at least the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).
- (d) Driveway Entrances. All driveway entrances, including stacking lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.
- (e) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6415 Loading and Drive-Through Design Standards.
- (f) Adjustments. Except for lots adjacent to land zoned residentially:
 - 1. Outside of the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsection (c) Service Areas Setback and Landscaping may be made based on criteria at EC 9.8030(2) Setback Standards Adjustment.
 - 2. Within the Downtown Plan Area adjustments to subsection (c) Service Areas Setback and Landscaping and subsection (e) Stacking Lanes may be made based on the criteria at EC 9.8030(16).

Stakeholder Comments

General support. Simplicity and clarity is good.

Envision Eugene Implementation: Facilitating Downtown & Mixed Use Development Community Stakeholders

Larry Banks, PIVOT Architecture

Rob Bennett, Downtown property and business owner

Sarah Bennett, Downtown property and business owner

Alan Evans, Evans, Elder & Brown Inc.

Paul Dustrud, architect

John Jaworski, Northeast Neighbors

David Mandelblatt, Downtown Neighborhood Association

Laura Potter, Chamber of Commerce

Hugh Prichard

Kristen Taylor, TBG Architects + Planners

Steve Baker (Planning Commission Subcommittee)

Rick Duncan (Planning Commission Subcommittee)

AGENDA ITEM SUMMARY
April 22, 2013

To: Eugene Planning Commission

From: Terri Harding, City of Eugene Planning Division

Subject: Lane Livability Consortium and Envision Eugene: Equity and Opportunity Assessment

ISSUE STATEMENT

This work session is an opportunity for the Planning Commission to learn about and discuss work underway on the Equity and Opportunity Assessment component of Lane Livability Consortium, and how the work relates to Envision Eugene implementation.

BACKGROUND

Lane Livability Consortium is a group of local agencies working together under a federal grant to advance regional sustainability and planning goals. One of the tasks is the Equity and Opportunity Assessment, which is analyzing demographic and geographic data to produce recommendations related to social equity and access to housing, jobs and services in our communities.

The primary goals of the Envision Eugene project are to accommodate our 20 year land needs and to create a future that is livable, sustainable, beautiful and prosperous. There exists significant opportunity to integrate the results of the Equity and Opportunity Assessment into Envision Eugene implementation work, such as area planning, environmental justice analysis of the potential industrial expansion area, and work on flexible zoning in industrial areas.

At the meeting, Lane Livability Consortium Project Manager Stephanie Jennings will present the current maps and information developed for the Equity and Opportunity Assessment, and lead a discussion about potential applicability of this information to Envision Eugene implementation projects.

NEXT STEPS

Over the next few months, staff will develop and refine recommendations for applying the results of the Equity and Opportunity Assessment work. Additional discussions will be held with the Planning Commission during the summer.

FOR MORE INFORMATION

Contact Terri Harding at 541-682-5635 or at terri.l.harding@ci.eugene.or.us or Stephanie Jennings at 541-682-5529 or Stephanie.a.jennings@ci.eugene.or.us.

Equity and Opportunity Assessment

The Equity and Opportunity Assessment project of the Lane Livability Consortium seeks to identify and analyze issues of equity, access, and opportunity within our community and consider how these findings can inform agency plans, policies, and major investments. Like other efforts of the Consortium, this process is designed to engage multiple agencies and to help address the needs of those agencies. While there are many definitions of opportunity, the focus of this project is to identify the condition or situation that places individuals in a position to be more likely to succeed or excel. Through the assessment process, participating agencies will:

- 1) Establish a common understanding of how different community agencies approach issues of access, equity, and opportunity;
- 2) Examine and consider related data and analyzes;
- 3) Identify policies, programs, and investments that can be informed by the analysis; and
- 4) Develop recommendations for policies, programs, and investments based on the analysis.

The process and products of the Assessment will build on the existing efforts and plans within participating agencies and are intended to provide data and analysis that could be utilized by multiple agencies to inform future plans, programs, and decision-making processes. The geographic focus area for this analysis is the boundary of the Metropolitan Plan Organization which includes the Cities of Eugene, Springfield, and Coburg as well as unincorporated land surrounding these jurisdictions.

The project is led by a Core Team working on behalf of the Consortium, which is composed of members including LLC Project Manager, City of Eugene staff, City of Springfield staff, and staff from the Community Planning Workshop at the University of Oregon. The Equity and Opportunity Assessment Project is primarily supported through a Sustainable Communities Regional Planning Grant provided through the U.S. Department of Housing and Urban Development.

Project Approach

There are five major steps identified in the Equity and Opportunity Assessment.

Agency Interviews to Identify Key Issues and Data - The first step is to develop a baseline understanding of how each agency approaches equity and access issues through a series of agency interviews including jurisdictions, affordable housing providers, schools, transportation agencies, and United Way of Lane County. The Core Project Team will work with staff in each agency to identify priority data resources and issues.

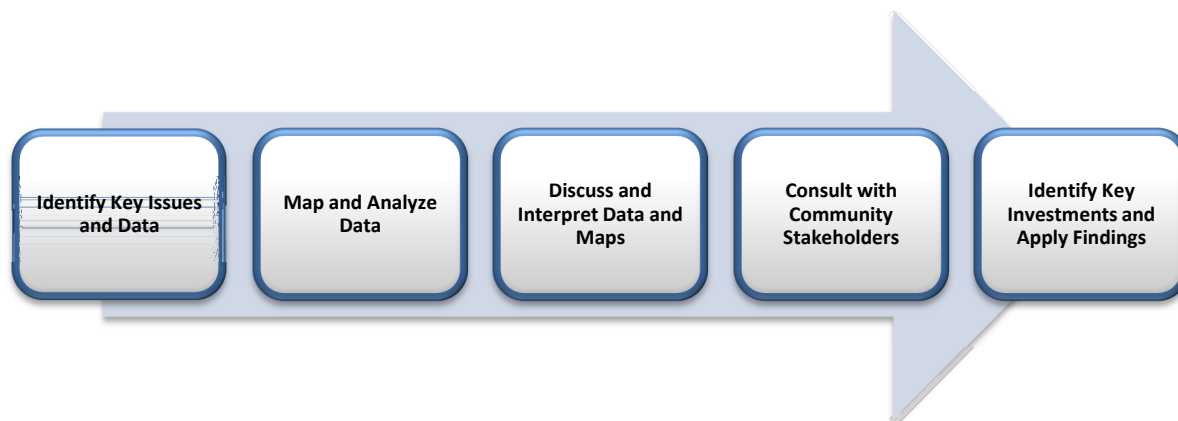
Select, Map, and Analyze Data - The second step is to assemble, map and analyze data resources. The Project Core team will draw on existing data and analyses to: 1) compose a broad understanding of where different groups of people live within our community; 2) identify how jobs, schools, and services are distributed through the region; and 3) uncover disparities in access and opportunity.

Discuss and Interpret Data, Maps, and Analyses – Through multi-agency interactive workshops, participants will consider the data and maps and identify key trends, questions, conclusions, and possible applications to policies, programs, and investments. These meetings will take place in February

and March of 2013 and will include interdisciplinary representatives of jurisdictions, schools, affordable housing organizations, transit agencies, public health, and local funders. Targeted populations, geographic areas, and key conclusions will be developed based on the data analysis and TAC discussions. Additional data may be gathered in targeted areas.

Community Consultation – Following the initial review and interpretation of data, consortium agencies will identify opportunities for presentation, discussion and feedback from community stakeholders such as Housing Policy Board, the Eugene Human Rights Commission, transportation advisory, and also with agencies and organizations that work with specific populations. Based on the results of the analysis, there will also be consultations with residents of particular census block groups and organizations that are active in those communities. Where possible, consultations will leverage existing networks, forums, and gathering places. Community partners will also be recruited to participate in subsequent workshops to apply findings to key investment areas. This step of the process will take place in March and April 2013.

Identify Key Investments and Apply Findings – The final step in the process is to identify key investments, policies, or programs that can enhance equity, access, and opportunity. Staff with key responsibilities in the areas of planning, transportation, affordable housing, economic development, and health will organize workshops on each area to apply the findings of the analysis to specific plans, programs, investments, and policies. This step of the process will take place in April and May 2013



Development of Final Report

The findings from each step of this project will be incorporated into a final report with sections on process, data analysis and maps, and recommendations. The report will be designed in a way that it can be used as a resource for governmental and nongovernmental agencies and a wide variety of planning and program development efforts. The report will be completed by June 2013.